

**ENTERED**

December 13, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GULF SOUTH PIPELINE COMPANY, LP

§

Plaintiff,

§

VS.

CIVIL ACTION NO. H-19-2885

TX-MQ-0050.00000: 5.26 ACRES, MORE  
OR LESS, in the Jose Maria De La Garza  
Survey, Abstract Number 15, Montgomery  
County, TX; DAVID OSTRO and MID  
AMERICA MORTGAGE, INC.; *et al.*,

§

Defendants.

§

**ORDER**

The court enters the following ORDER:

- Gulf South has the right to condemn the interests in the four properties sought in this condemnation action.
- Gulf South has the immediate right of entry on, and use of, the Permanent Easement and Temporary Workspace rights as approved and certificated by the Commission on the Mendoza Property, described in Exhibit 4 to the complaint.
- Gulf South may immediately begin preconstruction-and-construction related activities for the purpose of constructing the Pipeline at the locations approved and certificated by the Commission and consistent with the easements identified in Exhibit 4 of the complaint, in a manner consistent with the Certificate. Preconstruction-and construction-related activities may include, but are not limited to surveys, examinations, and tests and constructing, laying, maintaining, inspecting, altering, repairing, replacing, and reconstructing the Pipeline, and appurtenances on the easements. To the extent final

adjudication has not occurred when the Project is complete, Gulf South may also operate the pipeline and related project facilities.

- Gulf South must deposit with the clerk of court an amount equal to one hundred and fifty percent (150%) of its appraisers' estimates of just compensation for the easements condemned in the Mendoza Property, totaling \$7,323.
- This injunction will take effect immediately following that deposit.
- Neither the deposit nor the withdrawal of any portion of the fund will prejudice or otherwise affect any of the parties' rights with respect to a determination of just compensation, including Gulf South's right to assert that the amounts deposited exceed the just compensation due one or more of the defendants.

SIGNED on December 13, 2019, at Houston, Texas.



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Lee H. Rosenthal

Chief United States District Judge